



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women
Sixty-eighth session**

Summary record of the 1549th meeting

Held at the Palais des Nations, Geneva, on Friday, 3 November 2017, at 3 p.m.

Chair: Ms. Leinarte

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Combined second and third periodic reports of Oman (continued)
(CEDAW/C/OMN/2-3; CEDAW/C/OMN/Q/2-3 and CEDAW/C/OMN/Q/2-3/Add.1)

1. *At the invitation of the Chair, the delegation of Oman took places at the Committee table.*

Articles 10 to 14 (continued)

2. **Ms. Al Hashimi** (Oman) said that the General Federation of Oman Trade Unions organized awareness programmes to encourage women to enter the workforce and had carried out on-site visits to help define the problems encountered by women in the world of work. Women were entitled to 50 days of maternity leave with full pay, which could be taken before and after the birth, and the entitlement was valid during a woman's time with a given employer for the birth of up to three children. Trade unions had also negotiated to obtain certain additional rights and benefits for women during the neonatal period. The fact that women were legally prohibited from working between 9 p.m. and 6 a.m. was generally perceived by Omani women as a positive and protective measure: women often had to assume family responsibilities, which meant that they had to be available during that time. Notwithstanding the general prohibition, the law allowed for special dispensations, so the prohibition was not seen as a restriction.
3. Omani legislation on domestic labour was in conformity with international standards. Decrees issued in 2004 and 2011 established that each domestic worker must have a contract and that wages for a given month must be paid by the end of the first week of the following month. Employers were obliged to provide lodging, medical care, 30 days of paid leave over a two-year period and sick leave. Domestic workers were also provided with transport home during their annual leave and at the end of their contracts. In the event of disputes, there was a mediation mechanism. The Women's Affairs Committee of the General Federation of Oman Trade Unions worked to inform domestic workers of their rights and a committee had been established to maintain contacts with the embassies of domestic workers' countries of origin, and also with the authorities and the police, so that it could be of assistance in case any problems arose. Meetings had been held by employers' and workers' organizations to encourage domestic workers to organize and the General Federation had established a commission specifically to address the needs of foreign workers. It was true that job announcements and advertisements often contained discriminatory criteria, but complaints could be filed against such practices.
4. **Mr. Al Nabhani** (Oman) said that the word "*kafalah*" was often used to describe the link between employers and workers, but it was not a legal concept. In legal terms, such relations were governed exclusively by the Labour Code and were based on contractual agreements entered into freely. Under the law, foreign workers had certain basic rights, such as the right to a decent standard of living, to coverage by social insurance schemes and to protection against the confiscation of travel documents. Any other conditions of employment stemmed from voluntary contracts with the employers. Foreign workers already had contracts upon arrival in Oman. If their employment relationship ended, they were able to take employment with other employers. There had been some cases of abuse, and employees had taken their cases to the Ministry of Labour or even before the justice system to assert their rights. Forced labour was, of course, prohibited by law.
5. **Ms. Al Raqaishi** (Oman) said that any confiscation of passports was considered to constitute a restriction of personal freedom, as guaranteed under the Constitution. Employees had the right to be in possession of their passports.
6. **Mr. Bergby** said that it would be useful to the Committee to hear more about the new labour law. Notwithstanding the protection afforded to women by the ban against night work, the legal prohibition of the employment of an entire group also represented a

limitation of the right of individuals to work. If a woman wished to work during the night, she should be able to.

7. **Ms. Song Wenyan**, noting that a high percentage of university graduates were women, said that she would be interested to know what subjects they predominantly studied and whether women and girls were encouraged to take courses of study in non-traditional fields such as science, engineering, information technology and mathematics. The introduction of more women into such fields would not only have an impact on individuals' future career paths but would also help to overcome social stereotypes and ideas about gender roles that persisted in society. She wondered whether there were any plans to assess the current education system with a view to closing the gender gap.

8. **Mr. Al Kalbani** (Oman) pointed out that women did indeed work at night, for example in hospitals, at airports and in the police force and the military, where shift work was required. Some women also worked at night for private companies. All academic disciplines were open to members of both sexes, so long as they met the admissions criteria.

9. **Mr. Al Nabhan** (Oman) said that the new labour law was being drafted. The Government was currently consulting employers on the initial draft and would soon submit it to an advisory council and then to the Council of State before it was published. The bill included provisions to protect domestic workers, in line with international standards. Night work was prohibited in certain sectors listed by the Council of Ministers, but in other sectors women were able to work at any time. The law did not violate the rights of women; when arrangements were made to circumvent the prohibition, neither the women nor the employers in question were subject to any penalties.

10. **Ms. Al Yahyai** (Oman) said that female high school graduates were prepared for university study in any discipline and that the number of females studying sciences had been increasing at both secondary and university level. Considerable research into the education system had been carried out, including a number of academic studies focusing on the problem of school dropouts.

11. **Mr. Al Rashdi** (Oman) said that the prohibition against night work for women was a form of positive discrimination that gave female employees an argument unavailable to their male counterparts that could be invoked if their employers tried to insist that they work at night. The law did not preclude voluntary agreements allowing for night work.

12. **Ms. Hofmeister** commended the State party for the progress made on the provision of women's health services. The Committee was, however, concerned that abortion remained illegal and was permitted only when the life of the mother was in danger. Noting that other Muslim countries had legalized abortion in cases of rape or incest or in the event of a serious malformation of the fetus, she asked whether the State party had plans to relax the ban on abortion. The delegation should also describe the State party's efforts to reduce the prevalence of harmful practices such as female genital mutilation, which had no connection with religion and was a patriarchal practice similar to torture, and face covering, which was a harmful practice that must be considered a severe violation of the dignity of all women and girls. The delegation should provide data on the prevalence of vesicovaginal fistulas and similar afflictions and on the financial burden on the medical system of the provision of health care for victims of harmful practices.

13. The Committee had heard that many women and girls in Oman had limited knowledge of sexual and reproductive health issues owing to social and cultural barriers. Their lack of knowledge resulted in teenage pregnancies and the transmission of sexually transmitted diseases, including HIV/AIDS. The Committee would be interested to hear about efforts to increase access to information and the availability of modern and emergency contraceptives.

14. Victims of rape and other forms of sexual violence should not have to be confronted with male doctors when they sought help. She wondered whether the State party had difficulty in providing female medical staff to care for such victims.

15. Lastly, she wished to know to what extent alcohol and drug abuse were a problem for adolescents in Oman and what measures the authorities had taken to address such issues.

16. **Ms. Jahan** noted that social security benefits were available for specific groups such as widows, older women, divorced women, women abandoned by their husbands and women who had never married and lacked resources. The Committee would appreciate data showing the distribution of such benefits disaggregated by sex, and with a comparison between disbursement to urban and rural populations. The fact that the retirement age was set at 60 years for men and 55 for women placed women retirees at a disadvantage, as they had less opportunity to contribute to retirement schemes. A widow was reportedly entitled to half her deceased husband's pension, whereas a widower received his wife's full pension. Did the authorities have any plans to address such inequality?

17. A royal decree of 2013 had granted women the right to have equal access to bank loans and mortgages and she asked how many women had obtained such loans and for what purposes. The Committee would also be interested to hear of any special tax relief available to women taxpayers. According to the State party, special measures were taken to encourage female participation in sports activities "suited to girls". The Committee would like to know whether such measures were effective in rural settings, and also what kinds of activities were considered unsuitable for girls, and why. It would be appreciated if the delegation would submit information on the progress made in the gender-responsive implementation of the 2030 Agenda for Sustainable Development. The gender digital divide was a major concern for many countries and she wondered what efforts had been made to address the challenges faced by women and girls in acquiring skills and training in information and communication technologies.

18. She asked whether there was a mechanism to monitor the implementation of programmes that benefited rural women, including the long-term National Agricultural Development Strategy 2015-2040, the Agricultural and Fisheries Development Fund and the special fund of the Oman Development Bank. Women in mountainous and remote areas and nomadic women had difficulty in securing access to education, health care and income-generating activities and had limited opportunities for participation in decision-making in the household and in their communities. How did the State party address those challenges? She also wished to know what kind of training was provided for rural women to build their capacities for entrepreneurship. Noting that there had been a large migration of men from rural to urban areas, she asked whether any studies had been conducted of the impact of that migration on rural women. She encouraged the State party to consider the Committee's general recommendation No. 34 (2016) on the rights of rural women.

19. Women and girls with disabilities faced multiple forms of discrimination. The Committee would be interested to learn of measures taken to ensure that their rights were incorporated into national policies.

20. The Special Rapporteur on the right to peaceful assembly and association had in 2014 issued a statement referring to a pervasive culture of silence and fear among persons wishing to work for reform in Oman. The situation had evidently not changed very much since then. Women human rights defenders reportedly faced harassment and arbitrary detention. She asked what measures were being taken to facilitate the legitimate work of such women and to protect them from abuse, and from violence and mistreatment when they were in detention, in line with international standards. She wondered whether the authorities would consider the designation of an ombudsman with a gender focus to defend the rights of women deprived of their liberty. Lastly, she wished to know whether women had been actively involved in the drafting of the national strategy to deal with climate change and whether a gender perspective had been incorporated into climate change adaptation and mitigation measures.

21. **Ms. Fatima Ibrahim Saoud Al Hinai** (Oman) said that, although abortion was currently prohibited unless a pregnancy placed a woman's life in danger, the Government was considering legalizing abortion in cases of fetal malformation.

22. Under the implementing regulations of the Child Act, female genital mutilation was considered to be harmful. Since 2007, girls who had been victims of the procedure had had the option of filing a complaint through the Ministry of Health. The Ministry and the bodies responsible for the protection of children worked together to identify and report cases of

female genital mutilation and to implement protective measures in all the governorates of the Sultanate.

23. The Ministry of Health, in collaboration with the United Nations Children's Fund (UNICEF) and the Ministry of Education, had published a book, aimed at teenagers, that contained chapters on maternity, pregnancy and the spacing of births within families. A code of medical practice had been established that addressed health issues related to puberty and programmes that raised teenagers' awareness of such issues had been developed. Publications on adolescents' physical and psychological development during puberty were issued to health workers, parents and adolescents themselves. Information services provided advice on family planning and contraception. Such information was incorporated into the primary health education programme and distributed through a large network of primary care centres.

24. Medical institutions where a large proportion of the doctors were women provided medical support and care for victims of rape and sexual abuse. The doctors also helped to ensure that victims had access to justice.

25. Although few women smoked in Oman, rehabilitation clinics had been established in primary health centres that provided health advice to women smokers.

26. Campaigns were carried out in each governorate to raise awareness of HIV/AIDS and an HIV/AIDS day was held every year. Over 90 per cent of pregnant women were screened for HIV/AIDS and advice was provided to those who tested positive in order to help prevent mother-to-child transmission.

27. **Mr. Yaher Mohamed Zaher Al Hinai** (Oman) said that, in order to promote family stability, around 80,000 families received social support of some kind. Under domestic legislation, priority was given to divorced women, widows, orphans, unmarried women and other vulnerable groups. Since 2011, the provision of social benefits had increased significantly.

28. Men and women who wished to set up businesses or receive social support had equal access to interest-free bank loans. Furthermore, a fund established by the Development Bank made loans of up to 5,000 omani rials (RO) available to individuals.

29. **Ms. Al Shukairi** (Oman) said that, since the promulgation of Royal Decree No. 6 in 2013, and the establishment of a special fund in 2014, funding had been provided for around 530 business projects. A raft of programmes had been established to provide support for projects initiated by rural women entrepreneurs. A unit within the Government provided funding, legal advice and training for women who wished to set up businesses. A specific programme aimed at rural women enabled them to obtain loans of up to RO 20,000. Small and medium-sized enterprises initiated by rural women were not taxed.

30. Since the Government's adoption of the Sustainable Development Goals in 2015, the Ministry of Agriculture and Fisheries had developed all its policies on the basis of those Goals. In accordance with Goal No. 5, a study had recently been carried out, in collaboration with the Food and Agriculture Organization of the United Nations (FAO), on the right of women to own land. Indicators had been drawn up that would be used to monitor the attainment of the targets set out in the Goals.

31. In collaboration with international organizations such as FAO and the African-Asian Rural Development Organization, studies had been carried out to monitor the extent and nature of the rural exodus. As a result, over 50 national reports on the subject had been drawn up.

32. Women had been involved in all stages of the drafting of the country's climate change strategy and were vital partners in its implementation. The Ministry of Agriculture and Fisheries took the issue of climate change into account in its development plans, which aimed to support rural women through research and modern technology and enable them to adapt to climate change.

33. Statistics for the period 2000-2012 showed that 749 awareness-raising campaigns aimed at rural women had been conducted through the media. Some 425 vocational training

activities had been conducted for rural women and 2,000 productive projects had been set up.

34. **Mr. Al Nabhani** (Oman) said that women had the option of retiring at 55 years of age but were not required to do so. By contrast, men had to work until the age of 60 before they could draw a pension. In that regard, women were better off than men.

35. Women and men had an equal right to own property. In accordance with the law on civil property transactions, women were able to own and dispose of civil and commercial property independently of their husbands.

36. The right to freedom of expression was enshrined in domestic legislation. There had been no cases of enforced disappearance in Oman. The State appointed lawyers to represent individuals who could not afford to pay for one themselves and defendants had the right to file appeals before the courts of appeal. Persons who had been arbitrarily detained had the right to compensation.

37. Any citizen had the right to set up an association by submitting a request to the Ministry of Social Development, which was required to respond within 30 days. All refusals were required to be properly justified and individuals whose requests had been refused could appeal.

38. **Ms. Jahan** said that it was still not clear what programmes had been established to ensure that women and girls with disabilities had access to justice.

39. Noting that retirement benefits were calculated on the basis of the number of years worked, she asked the delegation to confirm that all women had the option of working after the age of 55 years.

40. She asked the delegation to comment on reports that widows could not claim all of a deceased husband's pension, whereas widowers could claim all of a deceased wife's pension.

41. She asked whether an ombudsman would be established to monitor the situation of women in detention and the conditions in detention centres.

42. **Mr. Al Kalbani** (Oman) said that the 11 pension funds that existed in Oman all served to support women and the family. Widows and widowers enjoyed the same rights to claim their deceased spouse's pension. The exact size of the pension received by a widow depended on the nature of her situation, including the number of children that she had. Widows who did not receive a pension from their deceased spouse received one from the Ministry of Social Affairs.

43. Although there was no ombudsman in Oman, all citizens in every governorate had access to justice through the courts.

44. **Mr. Al Rashdi** (Oman) said that the size of the pension received by a beneficiary was determined in accordance with the regulations in force. Where there was more than one beneficiary, the pension would be divided between the various beneficiaries.

45. **Ms. Al Raqaishi** said that, under article 30 of the Prisons Act, the authorities were required to receive complaints from inmates and, if necessary, to transmit them to other authorities. The Office of the Prosecutor handled all complaints filed by prisoners and judges sometimes visited prisons in order to investigate complaints.

46. **Mr. Al Nabhani** (Oman) said that persons with disabilities were entitled to have access to justice in accordance with the Basic Law of the State, which granted legal representation to all people in Oman, irrespective of their nationality or gender. Persons with disabilities had the right to legal assistance and counsel and were exempt from paying legal fees.

47. A widower was not entitled to all his deceased wife's pension unless he was unemployed or unable to work. By contrast, a widow was entitled to all her deceased husband's pension. Although children were entitled to a share of a deceased father's pension, that share would revert to the widow if they died before she did.

48. **Mr. Yaher Mohamed Zaher Al Hinai** (Oman) said that, in addition to periodic visits, unscheduled visits were conducted to prisons and follow-up procedures were initiated in response to any complaints.

49. **Ms. Al Shukairi** (Oman) said that women who had suffered losses as a result of climate change were either granted financial compensation by the Government or helped to establish a new agricultural project.

50. **Mr. Al Kalbani** (Oman) said that women were prohibited from wearing the niqab during working hours and in public institutions.

51. **Ms. Fatima Ibrahim Saoud Al Hinai** (Oman) said that men and women enjoyed an equal right to health-care services. Article 5 of the Welfare and Care of Persons with Disability Act provided that they would receive preventive and therapeutic care. In order to detect and prevent cases of fetal malformation, pregnant women underwent ultrasound tests and were given folic acid. The sight and hearing of infants were tested and children aged 18 months and over were tested for autism. When children started school, their hearing, sight and speech were tested again. Special services were provided for men and women with disabilities and health services catering for them were evaluated.

52. **Mr. Yahya Mohamed Zaher Al Hinai** (Oman) said that women with disabilities were provided with support through rehabilitation programmes and care services run by both government bodies and civil society organizations. In accordance with the Labour Act, a certain proportion of jobs were reserved for persons with disabilities, who were provided with any medical assistance that they required. Public buildings and government offices had been made accessible to persons with disabilities.

53. **Ms. Al Yahyai** (Oman) said that sports activities were equally available in rural and urban areas. From an early age, girls and boys had physical education at school and were entitled to take part in all types of sports, without discrimination. Pursuant to Royal Decree No. 81/2007, women could establish sports clubs and associations and serve on boards of directors of sports associations, including the Omani Olympic Committee. Efforts were made to foster women's participation in sports and to make them inclusive for women with disabilities. Sports clubs were present in virtually all parts of the country and women were able to engage freely and without limitation in all activities.

54. **Ms. Verges** said that further clarification on survivors' pensions was needed, since, if she had understood correctly, it seemed that such pensions were provided to surviving spouses depending on their needs or circumstances. Since individuals contributed to pensions throughout their working lives, pensions should always be paid, regardless of the individual's specific circumstances.

55. **Mr. Al Kalbani** (Oman) said that no such distinction was made in terms of pension rights. An individual's pension entitlements were automatically paid to the surviving spouse or children, as applicable. Surviving spouses were also entitled to receive other benefits.

Articles 15 and 16

56. **Ms. Haidar**, welcoming the introduction of Royal Decree No. 68/2008, a positive development that accorded equal treatment to the witness testimony of women and men in civil and criminal matters, said that she wished to know whether that principle was also applied in the sharia courts. Regarding freedom of movement, she wondered whether the amendments made to the Passport Act, enabling a woman to obtain a passport without the consent of her husband, was being implemented in practice and whether women were aware of their rights in that regard. She wondered whether the sum paid in blood money, an indemnity for victims' families in cases of accidental death or injury, was the same for women and men. Moreover, the term "blood money" had religious connotations. Why not just call it "civil compensation"?

57. **Ms. Hofmeister**, turning to the subject of marriage and family relations, said that she was concerned at the State party's continued reservation to article 16 of the Convention and the fact that the Personal Status Act was based on sharia law, which, in Oman, was influenced by the *ibadi* school of Islamic jurisprudence, was not in line with the Convention

and was discriminatory against women. Equality under the Convention meant substantive equality and non-discrimination. She would urge the State party to consider the best practices of other Islamic countries with a view to possible reforms. In that connection, she wished to know what steps had been taken to prohibit polygamy and amend the provisions governing existing polygamous marriages; what measures were envisaged to tackle the system of male dominance and guardianship that pervaded society; and how the State party prevented the marriage of minors. Regarding divorce rights, it was unacceptable that a man could unilaterally divorce his wife, whereas a woman could only apply to divorce her husband only on limited grounds, with his consent and at significant cost. More information on the different models of divorce should be provided. She would welcome an explanation of inheritance laws in Oman, and in particular why women inheritors were not treated on an equal footing with their male relatives. Lastly, she wondered what timeline was envisaged for the withdrawal of the State party's remaining reservations to the Convention.

58. **Mr. Al Rashdi** (Oman) said that Omani legislation was applied equally in the civil and sharia courts. Generic Islamic jurisprudence was applied in Oman, rather than the jurisprudence of a particular school of thought, such as *ibadi*. There were no restrictions on a woman's right to obtain a passport and travel. The concept of blood money was viewed as a form of tribute rather than compensation. Insurance companies made the payment on behalf of the person who caused the accident.

59. The Personal Status Act did not compromise women's rights. The equal rights of women and men that it enshrined were based on law. Men had certain obligations and responsibilities, as did women. As for divorce, a woman could petition the courts for a divorce if the relationship had broken down irreparably.

60. **Mr. Al Nabhani** (Oman) said that a number of committees had been set up to consider turning the concept of blood money into something more akin to civil compensation. Currently, the blood money payable to a woman was half the amount that was payable to a man. That was largely at the insistence of individuals who claimed that it was enshrined in sharia law and could not be altered. Only one type of jurisprudence was used in Oman: the generic Islamic jurisprudence. The diverse jurisprudence of specific schools of thought were not applied. It was worth pointing out that the jurisprudence, and the Personal Status Act, were evolving over time.

61. The legal age of marriage was 18 years; however, under the Personal Status Act, there were exceptions if marriage was considered to be in the interests of the parties concerned and was authorized by a judge. Forced marriage was not possible, since a marriage could only be entered into with the consent of both parties and, in the case of a person under 18, with the approval of a judge. Inheritance rights were admittedly complex and were governed by sharia law. Changes could be deemed unconstitutional, which was why no concrete progress had yet been made in that regard. Lastly, no time frame had been established for the withdrawal of the country's remaining reservations. It was hoped, however, that the reservation to article 15 (4) of the Convention, regarding freedom of movement, would be withdrawn in short course.

62. **Ms. Al Raqaishi** (Oman) said that the amendments to the Passport Act had been published in the *Official Gazette* and widely disseminated on social media and in the traditional media. In fact, women had had the right to freely travel even before the amendment had been made.

63. **Ms. Haidar**, while thanking the delegation for the information provided, said that she remained concerned about women's rights under the Personal Status Act. In particular, the Act imposed certain obligations on women and demanded their obedience. A woman who was the main breadwinner had the same responsibilities but not the same privileges as a male breadwinner. It was not a religious matter, but a question of justice and equality, which were the cornerstone of Islam.

64. **Mr. Al Kalbani** (Oman) said that the questions, comments and recommendations made by the Committee would be relayed to the Government and would help to drive further progress in the area of Omani women's rights. Advances already made had been achieved thanks to two main agents who were driving change in Oman: the Government, headed by His Majesty the Sultan, and the Committee and other treaty bodies, which

provided support and guidance. There was a deep desire to promote women's rights and participation at all levels and to grant them the same rights as were enjoyed by other women around the world.

65. **Mr. Abdulla Nasser Al Rahbi** (Oman) said that he wished to reaffirm his country's commitment to upholding women's rights in every area of life. Oman was on the path to the full realization of all human rights, as part of a process of reform pursued over four decades that placed humans front and centre. It was a challenging road ahead that required the participation of many different stakeholders, but there was clear political will to achieve the country's goal.

The meeting rose at 5 p.m.